

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.09.2018
PRONOUNCED ON : 18 .09 .2018

CORAM
THE HONOURABLE MR. JUSTICE T.RAVINDRAN

TR CMP.523/2018
and
CMP.12775/2018

Samboornam ...Petitioner

Vs.

Arthanareeshwaran ...Respondent

Prayer:

Transfer CMP filed under Section 24 of Civil Procedure Code, praying to withdraw HMOP. No.175/2018 from the file of the Sub Court, Omalur and transfer to the file of Sub Court at Uthangarai, Krishnagiri District.

For Petitioner : Mr.K.Thiruvengadam
For Respondent : Mr.G.Suryanarayanan

ORDER

The petitioner is the wife.

2. The respondent is the husband.

3. It is found that the respondent has laid HMOP.No.175/2018 against the petitioner for restitution of conjugal rights and the same is pending on the file of Sub Court, Omalur. It is further seen that seeking maintenance for her and her son, the petitioner has laid M.C.No.8 of 2018 against the respondent and the same is pending on the file of the Judicial Magistrate, Uthangarai.

4. Seeking transfer of the matrimonial proceeding from Omalur court, the present transfer petition has been laid by the petitioner.

5. The petitioner is contending that the distance between her village and omalur is on the higher side and she is finding it difficult and inconvenient in attending the proceeding at Omalur Court and also put forth that she would incur expenses in attending the proceeding at Omalur Court, accordingly, has come forward with the present petition seeking the transfer.

6. The respondent's counsel contested the claim put forth by the petitioner for seeking the transfer and according to him, by conducting the proceeding at Omalur court, no prejudice would be caused to the petitioner.

7. As above noted, maintenance claim is levied against the respondent by the petitioner and the same is pending on the file of the Judicial Magistrate Court, Uthangarai. Accordingly, it is found that the respondent would be required to attend the abovesaid proceeding at Uthangarai. In such view of the matter, if the matrimonial proceeding is transferred to Uthangarai Court, it is found that no serious prejudice, as such, would be caused to the respondent. Furthermore, the difficult and hardship put forth by the petitioner in attending the proceeding at Omalur court, cannot be easily discarded.

8. In all, it is found that the transfer request put forth by the petitioner is acceptable and accordingly HMOP.No.175/2018 is withdrawn from the file of the Sub Court, Omalur and transferred to the file of the Sub Court, Uthangarai for disposal, as per law.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.12775 /2018 is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

bga

To

- 1.The Sub Court, Omalur
- 2.The Sub Court, Uthangarai

+1cc to Mr.K.Thiruvengadam, Advocate, S.R.No.64510.

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and
CMP.12775/2018

rrs 01/10/2018